

Appl. No. 10/730,346
Docket No. P-148
Amdt. dated July 16, 2010
Reply to Office Action mailed on April 19, 2010
Customer No. 27752

REMARKS

Claim Status

Claims 1, 2, 4-7, 9-11 and 55-59 are pending in the application.

Claims 3, 8 and 12-54 were previously canceled.

Claims 55-59 were previously withdrawn as a result of an earlier restriction requirement. Consequently, Claims 1, 2, 4-7 and 9-11 remain under consideration.

Independent claim 1 has been amended to recite that the edible composition is a dry composition. Support for this amendment is found at page 10, lines 26-29 of the specification as filed as well as throughout the application.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. § 103(a)

Claims 1, 2, 4-7, and 9-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 4,247,562 (Bernotavicz), WO 01/17366 (Young), US Publication No. 2004/0076735 (Lancombe), for reasons of record on pages 4-10 of the Office Action. Applicants respectfully traverse this rejection. However, without conceding the basis of the rejection and/or the combination of references as outlined in the Office Action, Applicants respectfully submit that the references fail to disclose, teach, or suggest all of the elements of the presently amended claims. Specifically, independent claim 1 now recites that the edible composition is a dry composition. Since the dependent claims all depend either directly or indirectly from independent claim 1, they necessarily include these element.

Accordingly, as amended, Applicants respectfully submit that the references of record fail to teach or suggest this additional claim element, that the edible composition is a dry composition, in combination with the other elements of independent claim 1 and the dependent claims therefrom, specifically wherein at least a portion of both the soluble mineral component and the phosphate component are coated on the surface of the composition such that at least part of the mineral component is dissolved in saliva of a dog or cat during mastication. Accordingly, Applicants respectfully submit that a proper 35 U.S.C. § 103(a) rejection has not been made and respectfully request reconsideration and withdrawal of the rejection.

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CONCLUSION

This Response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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